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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,597	12/05/2003	Ta-Yuan Lee	LEE0027-US	7505

7590 11/10/2005  
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EXAMINER

HAN, JASON

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/727,597	Applicant(s) LEE, TA-YUAN	
	Examiner Jason M. Han	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20050701</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to Claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

### ***Double Patenting***

2. Applicant is advised that should Claims 1-4 be found allowable, Claims 5-8 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

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The following claims have been rejected in light of the specification, but rendered the broadest interpretation as construed by the Examiner [MPEP 2111].

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### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Winstanley (U.S. Patent 3425146).

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4. With regard to Claims 1 and 5, Winstanley discloses a device including:
- A first light source [Figure 1: ( $R^1$ ,  $R^2$ )] emitting a first light of a first color;
  - A second light source [Figure 1: ( $G^1$ ,  $G^2$  or  $B^1$ ,  $B^2$ )] emitting a second light of a second color;
  - A cap [Figure 2: (3, 4)] having a first portion [Figure 7: (8, 9, or 10)] and a second portion [Figure 7: (8, 9, or 10)], featuring in that the first portion allows most of the first light to pass and substantially blocks the second light, and the second portion allows most of the second light to pass and substantially blocks the first light [Column 4, Lines 3-26]; and
  - A control module [Figure 3: (6)] controlling the first light source and the second light source, whereby once the first light source emits the first light, the second light source is turned off, and once the second light source emits the second light, the first light source is turned off [Column 3, Lines 68-70; Column 4, Lines 27-30, 45-48 – single light sources being energized];
  - Wherein, as the input device is in a first state [Column 4, Lines 45-48 – single colored light source being energized], the control module controls the first light source to emit the first light to both the first portion and the second portion, the first portion displaying more brightness than the second portion [Column 4, Lines 20-26]; and as the input device is in a second state [Column 4, Lines 45-48 – next sequential single light source being energized], the control module controlling the second light source to emit the second light to

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both the first portion and the second portion, the second portion displaying more brightness than the first portion [Column 4, Lines 20-26].

5. With regard to Claims 2 and 6, Winstanley discloses the first portion comprising a first filter corresponding to the first color, and the second portion further comprising a second filter corresponding to the second color [Column 4, Lines 3-26].

6. With regard to Claim 3 and 7, Winstanley discloses, "the light sources comprise **fluorescent** or neon tubes 34 instead of ordinary electric incandescent lamps as previously. The tubes 34 may be colored or **they may be associated with filters which color light therefrom.**" [Column 5, Lines 23-27]

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winstanley (U.S. Patent 3425146) as applied to Claims 1 and 5, respectively above, and further in view of Yoshida (U.S. Patent 6761462).

Winstanley discloses the claimed invention as cited above, but does not specifically teach the first and second light sources being first and second light emitting diodes that respectively emit the first and second colored lights.

Yoshida teaches an input device that utilizes different colored light emitting diodes.

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It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the light sources of Winstanley with the light emitting diodes of Yoshida, in order to obtain the known benefits commonly associated with LEDs, such as long-life, low power consumption, low cost, durability, and high efficiency.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMH (11/7/2005)

  
Stephen Husar  
Primary Examiner